

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|-------------------------------------|---|-----------------------|
| BOBBY HEARNS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | NO. 08 C 1393 |
| |) | |
| CITY OF CHICAGO, ILLINOIS, and |) | JUDGE DARRAH |
| CHICAGO POLICE OFFICER |) | MAGISTRATE JUDGE KEYS |
| J. F. SIKORSKI, Star No. 11143, and |) | |
| CHICAGO POLICE OFFICER |) | |
| E. GONZALEZ, Star No. 9627, |) | |
| |) | |
| Defendants. |) | |

**DEFENDANTS' JOINT AGREED MOTION
FOR LEAVE TO DEPOSE INCARCERATED PLAINTIFF**

Individual Defendants, Chicago Police Officer J.F. Sikorski (“Officer Sikorski”) and Chicago Police Officer E. Gonzalez (“Officer Gonzalez”) (collectively hereinafter referred to as “Individual Defendants”), by and through their attorney, Christopher A. Wallace, Assistant Corporation Counsel of the City of Chicago, and Defendant City of Chicago by and through its attorney, Mara S. Georges, Corporation Counsel for the City of Chicago, pursuant to Federal Rule of Civil Procedure 30 (a)(2)(C) and 32(a)(3)(c) request leave to take the depositions of the Plaintiff, who subsequent to the filing of this lawsuit has been incarcerated in relation to another arrest. In support of this motion, defendants state as follows:

1. Plaintiff has brought the current action against Defendants and seeks relief for alleged violation of his Constitutional rights and also alleges state law claims.
2. On June 19, 2008, Defendants noticed Plaintiff’s deposition for July 24, 2008. Plaintiff, Bobby Hearns, was apparently arrested between the time of notice and July 24, 2008, and is

currently confined in the Cook County Department of Corrections in relation to another criminal matter.

3. Defendants have been in communication with counsel for Plaintiff regarding the prospect that Plaintiff would be released from custody but as of the date of the filing of this motion Plaintiff's status remains uncertain.

4. Defendants seek to take the deposition of Plaintiff, Bobby Hearns, Jail I.D. # 2008-0051103 and discovery is scheduled to close on December 8, 2008.

5. In a conversation on the evening of August 7, 2008, counsel for Plaintiff has indicated that he does not object to the instant motion.

WHEREFORE, Defendants respectfully request this Court grant the Defendants leave to take the deposition of Plaintiff, Bobby Hearns, Jail I.D. # 2008-0051103, at the Cook County Illinois Correctional Center, on or before the close of discovery and grant whatever other relief the Court deems just and appropriate.

Respectfully submitted,

City of Chicago

/s/ Christopher A. Wallace
Assistant Corporation Counsel
Attorney for Individual Defendants

MARA S. GEORGES
Corporation Counsel of the City of Chicago

ARDC # 6278655
30 N. LaSalle St.
Ste. 1400
Chicago, IL 60602

By: /s/ Rita Moran
Rita Moran
Assistant Corporation Counsel
Attorney for Defendant City of Chicago

City of Chicago Department of Law
Individual Defense Litigation Division
30 N. LaSalle Street
Suite 1020
Chicago, Illinois 60602

CERTIFICATE OF SERVICE

I, Christopher Wallace, hereby certify that on August 8, 2008, I caused a copy of the foregoing Motion to be served upon all counsel of record by filing the same via the Court's ECF filing system.

/s/ Christopher Wallace
Christopher Wallace